

Chapter 19.700***Modification and Revocation of Permits/Variances and Other Approvals*****19.700.010 Modification of Approvals**

- A. Any person holding a permit or other approval granted under the Zoning Code may request a modification or amendment to that permit or approval. For the purpose of this Section, the modification of a permit or approval may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit or approval.
- B. If the Planning Director determines that a proposed project action is not in substantial conformance with the original approval, the Planning Director shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same Approving or Appeal Authority as the original permit.
- C. A permit or approval modification may be granted only when the Approving or Appeal Authority makes all findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.
- D. Except as provided in Section 19.760.060 (Minor Modifications to an Approved Conditional Use Permit) and Section 19.730.060 (Minor Modifications to an Approved Minor Conditional Use Permit), any permit or approval modification is subject to the same hearing and notice requirements as the original permit or approval.

19.700.020 Revocation

- A. The Planning Commission either of its own initiation or upon the direction of the City Council shall hold a public hearing to consider the revocation of any variance or permit (except temporary use permits) granted in accordance with the provisions of the Zoning Code. Written notice of the date, time, place and purpose of such public hearing shall be served on the owner of the property for which the permit or variance was granted by registered mail, postage prepaid, return receipt requested, not less than ten days prior to the date of such hearing. Additional notice shall be given in the manner prescribed in the Zoning Code governing notices of conditional use permits, minor conditional use permits and variances.
- B. Any variance or permit may be revoked if, from the facts presented at the public hearing or by investigation, the Planning Commission finds any one or more of the following grounds:
 - 1. That the variance or permit approval was obtained by fraud;

2. That the variance or permit granted is being or has been exercised contrary to the conditions of such permit or variance or in violation of any applicable licenses, permits, regulations, laws or codes;
 3. That the use for which the variance or permit approval was granted is being or has been exercised as to be detrimental to the public health, safety or welfare so as to constitute a nuisance, hazard or detriment to the surrounding properties, neighborhood or City in general.
- C. Each decision by the Planning Commission to revoke a variance or permit shall be by a formal and numbered resolution adopted by the affirmative votes of at least two-thirds of the membership of the Planning Commission in the case of a conditional use permit or planned residential development permit and of at least a majority of the membership of the Planning Commission in the case of a variance, or minor conditional use permit, such membership in both cases being based upon membership present and voting. The Planning Commission shall make its findings, announce its decision and mail a notice of its decision to the owner of the property involved in the manner prescribed in the Zoning Code Section 19.660.070 (Notice of Decision). Any person aggrieved or affected by a decision of the Planning Commission in approving or disapproving a revocation of any variance or permit may appeal to the City Council in the manner prescribed in this Chapter. The City Council may, after a public hearing has been held in the manner prescribed in the Zoning Code, affirm, reverse or modify the decision of the Planning Commission.